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April 5, 2004

Honorable Marilyn Dolan Go
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York

RE Holland v. Walker
CV1999-5800 (DGT) (MDG)
3572/94

Dear Judge Go:

I enclose a copy of a motion brought pursuant to New York CPL § 440. This state proceeding is brought in anticipation of a claim that, with respect to petitioner's claim for habeas corpus relief, he has exhausted his claim in the state court. It could be argued that the precise point made was not clearly made in the state court and accordingly was not exhausted. This concerns his claim that he was represented by counsel at the time of the original line-up which he challenges as a deprivation to him of his right to counsel at that time.

This is further a request that this Court hold the matter in abeyance until there can be a ruling of the state court on the issue. I shall advise you of any ruling by the state court.

Thank you for your courtesy in this matter.

Sincerely yours,


Eleanor Jackson Piel

Enc.

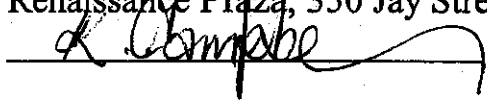
Cc: Monique Ferrell, Esq

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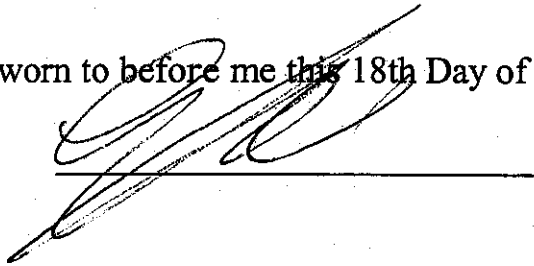
State of New York)
County of New York) ss.

Karen Campbell being duly sworn deposes and says:

She is secretary to Eleanor Jackson Piel. On July 18, 2003 she mailed a copy by first class mail, of a motion under CPL §440 brought by Johnathan Holland to the District Attorney of Kings County addressed to him at Renaissance Plaza, 350 Jay Street, Brooklyn New York 112011-2908



Sworn to before me this 18th Day of July 2003



ELEANOR JACKSON PIEL
NOTARY PUBLIC, State of New York
No. 8367600
Qualified in New York County
Commission Expires Feb. 28, 2007